

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

JUSTIN SARGENT, )  
v. Plaintiff, ) Civil Action No. 3:23-cv-192-HEH  
K. RICHARDSON, et al., )  
Defendants. )

**MEMORANDUM OPINION**  
**(Dismissing Civil Rights Action Without Prejudice)**

By Memorandum Order entered on March 29, 2023, the Court conditionally docketed Plaintiff's action. (ECF No. 4.) The Court directed Plaintiff to return his *in forma pauperis* affidavit and affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. (*Id.*) The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action. (*Id.*)

Plaintiff has not complied with the order of this Court. Plaintiff failed to return the *in forma pauperis* affidavit and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall issue.

  
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/s/

Henry E. Hudson  
Senior United States District Judge

Date: May 15, 2023  
Richmond, Virginia